



**Billing Code: 5001-06**

**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

**32 CFR Part 299**

**[Docket ID: DOD-2017-OS-0027]**

**RIN 0790-AJ68**

**National Security Agency/Central Security Service (NSA/CSS) Freedom of Information Act Program**

**AGENCY:** National Security Agency/Central Security Service, DoD.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes DoD's regulation concerning the National Security Agency/Central Security Service (NSA/CSS) Freedom of Information Act program. On February 6, 2018, the DoD published a revised FOIA program rule as a result of the FOIA Improvement Act of 2016. When the DoD FOIA program rule was revised, it included DoD component information and removed the requirement for component supplementary rules. The DoD now has one DoD-level rule for the FOIA program at 32 CFR part 286 that contains all the codified information required for the Department. Therefore, this part can be removed from the CFR.

**DATES:** This rule is effective on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**FOR FURTHER INFORMATION CONTACT:** John Chapman at 301-688-6527.

**SUPPLEMENTARY INFORMATION:** It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest

since it is based on removing DoD internal policies and procedures that are publically available on the Department's Web site.

NSA/CSS internal guidance concerning the implementation of the FOIA within NSA/CSS will continue to be published in NSA/CSS Policy 1-5 (available at <https://www.nsa.gov/resources/everyone/foia/assets/files/policy1-5.pdf>).

This rule is one of 14 separate DoD FOIA rules. With the finalization of the DoD-level FOIA rule at 32 CFR part 286, the Department is eliminating the need for this separate FOIA rule and reducing costs to the public as explained in the preamble of the DoD-level FOIA rule published at 83 FR 5196-5197.

This rule is not significant under Executive Order (EO) 12866, "Regulatory Planning and Review," therefore, EO 13771, "Reducing Regulation and Controlling Regulatory Costs" does not apply.

#### **List of Subjects in 32 CFR Part 299**

Freedom of information.

#### **PART 299—[REMOVED]**

Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 299 is removed.

Dated: April 23, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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